

House Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 123

# HOUSE BILL 2106

AN ACT

AMENDING TITLE 8, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5.1;  
RELATING TO THE INTERSTATE COMPACT FOR JUVENILES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 3, Arizona Revised Statutes, is amended  
3 by adding article 5.1, to read:

4 ARTICLE 5.1. INTERSTATE COMPACT FOR JUVENILES

5 8-368. Adoption of interstate compact for juveniles

6 THE GOVERNOR IS AUTHORIZED AND DIRECTED TO ENTER INTO A COMPACT ON  
7 BEHALF OF THIS STATE WITH ANY OF THE UNITED STATES LAWFULLY JOINED IN THE  
8 COMPACT IN A FORM SUBSTANTIALLY AS FOLLOWS:

9 ARTICLE I

10 PURPOSE

11 A. THIS STATE AND THE OTHER COMPACTING STATES TO THIS INTERSTATE  
12 COMPACT RECOGNIZE THAT EACH STATE IS RESPONSIBLE FOR THE PROPER SUPERVISION  
13 OR RETURN OF JUVENILES, DELINQUENTS AND STATUS OFFENDERS WHO ARE ON PROBATION  
14 OR PAROLE AND WHO HAVE ABSCONDED, ESCAPED OR RUN AWAY FROM SUPERVISION AND  
15 CONTROL AND IN SO DOING WHO HAVE ENDANGERED THEIR OWN SAFETY AND THE SAFETY  
16 OF OTHERS. THE COMPACTING STATES ALSO RECOGNIZE THAT CONGRESS, BY ENACTING  
17 THE CRIME CONTROL ACT, 4 UNITED STATES CODE SECTION 112 (1965), HAS  
18 AUTHORIZED AND ENCOURAGED COMPACTS FOR COOPERATIVE EFFORTS AND MUTUAL  
19 ASSISTANCE IN THE PREVENTION OF CRIME.

20 B. IT IS THE PURPOSE OF THIS COMPACT, THROUGH MEANS OF JOINT AND  
21 COOPERATIVE ACTION AMONG THE COMPACTING STATES, TO DO ALL OF THE FOLLOWING:

22 1. ENSURE THAT ADJUDICATED JUVENILES AND STATUS OFFENDERS WHO ARE  
23 SUBJECT TO THIS COMPACT ARE PROVIDED WITH ADEQUATE SUPERVISION AND SERVICES  
24 IN THE RECEIVING STATE AS ORDERED BY THE ADJUDICATING JUDGE OR PAROLE  
25 AUTHORITY IN THE SENDING STATE.

26 2. ENSURE THAT THE PUBLIC SAFETY INTERESTS OF THE CITIZENS, INCLUDING  
27 THE VICTIMS OF JUVENILE OFFENDERS, IN BOTH THE SENDING AND RECEIVING STATES  
28 ARE ADEQUATELY PROTECTED.

29 3. RETURN JUVENILES WHO HAVE RUN AWAY, ABSCONDED OR ESCAPED FROM  
30 SUPERVISION OR CONTROL OR HAVE BEEN ACCUSED OF AN OFFENSE TO THE STATE  
31 REQUESTING THEIR RETURN.

32 4. MAKE CONTRACTS FOR THE COOPERATIVE INSTITUTIONALIZATION IN PUBLIC  
33 FACILITIES IN MEMBER STATES FOR DELINQUENT YOUTH WHO NEED SPECIAL SERVICES.

34 5. PROVIDE FOR THE EFFECTIVE TRACKING AND SUPERVISION OF JUVENILES.

35 6. EQUITABLY DISTRIBUTE THE COSTS, BENEFITS AND OBLIGATIONS OF THE  
36 COMPACT AMONG THE COMPACTING STATES.

37 7. ESTABLISH PROCEDURES TO MANAGE THE MOVEMENT BETWEEN STATES OF  
38 JUVENILE OFFENDERS WHO ARE RELEASED TO THE COMMUNITY UNDER THE JURISDICTION  
39 OF COURTS, JUVENILE DEPARTMENTS OR ANY OTHER CRIMINAL OR JUVENILE JUSTICE  
40 AGENCY THAT HAS JURISDICTION OVER JUVENILE OFFENDERS.

41 8. ENSURE IMMEDIATE NOTICE TO JURISDICTIONS WHERE DEFINED OFFENDERS  
42 ARE AUTHORIZED TO TRAVEL OR TO RELOCATE ACROSS STATE LINES.

43 9. ESTABLISH PROCEDURES TO RESOLVE PENDING CHARGES OR DETAINERS  
44 AGAINST JUVENILE OFFENDERS BEFORE TRANSFER OR RELEASE TO THE COMMUNITY UNDER  
45 THE TERMS OF THIS COMPACT.

10. ESTABLISH A SYSTEM OF UNIFORM DATA COLLECTION PERTAINING TO JUVENILES WHO ARE SUBJECT TO THIS COMPACT THAT ALLOWS ACCESS BY AUTHORIZED CRIMINAL JUSTICE OFFICIALS AND REGULAR REPORTING OF COMPACT ACTIVITIES TO HEADS OF STATE EXECUTIVE, JUDICIAL AND LEGISLATIVE BRANCHES AND CRIMINAL JUSTICE ADMINISTRATORS.

11. MONITOR COMPLIANCE WITH RULES GOVERNING INTERSTATE MOVEMENT OF JUVENILES AND INITIATE INTERVENTIONS TO ADDRESS AND CORRECT NONCOMPLIANCE.

12. COORDINATE TRAINING AND EDUCATION REGARDING THE REGULATION OF INTERSTATE MOVEMENT OF JUVENILES FOR OFFICIALS INVOLVED IN SUCH ACTIVITY.

13. COORDINATE THE IMPLEMENTATION AND OPERATION OF THE COMPACT WITH THE INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN, THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS AND OTHER COMPACTS THAT AFFECT JUVENILES, PARTICULARLY IN THOSE CASES WHERE CONCURRENT OR OVERLAPPING SUPERVISION ISSUES ARISE.

C. IT IS THE POLICY OF THE COMPACTING STATES THAT THE ACTIVITIES THAT ARE CONDUCTED BY THE INTERSTATE COMMISSION CREATED UNDER THIS COMPACT ARE THE FORMATION OF PUBLIC POLICIES AND THEREFORE ARE PUBLIC BUSINESS. FURTHERMORE, THE COMPACTING STATES SHALL COOPERATE AND OBSERVE THEIR INDIVIDUAL AND COLLECTIVE DUTIES AND RESPONSIBILITIES FOR THE PROMPT RETURN AND ACCEPTANCE OF JUVENILES WHO ARE SUBJECT TO THE PROVISIONS OF THIS COMPACT. THE PROVISIONS OF THIS COMPACT SHALL BE REASONABLY AND LIBERALLY CONSTRUED TO ACCOMPLISH THE PURPOSES AND POLICIES OF THE COMPACT.

## ARTICLE II

## DEFINITIONS

AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT CONSTRUCTION:

1. "BYLAWS" MEAN THOSE BYLAWS ESTABLISHED BY THE INTERSTATE COMMISSION FOR ITS GOVERNANCE OR FOR DIRECTING OR CONTROLLING THE INTERSTATE COMMISSION'S ACTIONS OR CONDUCT.

2. "COMPACT ADMINISTRATOR" MEANS THE INDIVIDUAL IN EACH COMPACTING STATE WHO IS APPOINTED PURSUANT TO THE TERMS OF THIS COMPACT AND WHO IS RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THE STATE'S SUPERVISION AND TRANSFER OF JUVENILES WHO ARE SUBJECT TO THE TERMS OF THIS COMPACT, THE RULES ADOPTED BY THE INTERSTATE COMMISSION AND POLICIES ADOPTED BY THE STATE COUNCIL UNDER THIS COMPACT.

3. "COMPACTING STATE" MEANS ANY STATE THAT HAS ENACTED THE ENABLING LEGISLATION FOR THIS COMPACT.

4. "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE OF EACH COMPACTING STATE WHO IS APPOINTED PURSUANT TO ARTICLE III OF THIS COMPACT.

5. "COURT" MEANS ANY COURT THAT HAS JURISDICTION OVER DELINQUENT, NEGLECTED OR DEPENDENT CHILDREN.

6. "DEPUTY COMPACT ADMINISTRATOR" MEANS THE INDIVIDUAL, IF ANY, IN EACH COMPACTING STATE WHO IS APPOINTED TO ACT ON BEHALF OF A COMPACT ADMINISTRATOR PURSUANT TO THE TERMS OF THIS COMPACT AND WHO IS RESPONSIBLE FOR THE ADMINISTRATION AND MANAGEMENT OF THE STATE'S SUPERVISION AND TRANSFER

1 OF JUVENILES WHO ARE SUBJECT TO THE TERMS OF THIS COMPACT, THE RULES ADOPTED  
2 BY THE INTERSTATE COMMISSION AND POLICIES ADOPTED BY THE STATE COUNCIL UNDER  
3 THIS COMPACT.

4 7. "INTERSTATE COMMISSION" MEANS THE INTERSTATE COMMISSION FOR  
5 JUVENILES ESTABLISHED BY THIS COMPACT.

6 8. "JUVENILE" MEANS ANY PERSON WHO IS DEFINED AS A JUVENILE IN ANY  
7 MEMBER STATE OR BY THE RULES OF THE INTERSTATE COMMISSION, INCLUDING:

8 (a) ACCUSED DELINQUENTS. FOR THE PURPOSES OF THIS SUBDIVISION,  
9 "ACCUSED DELINQUENTS" MEANS PERSONS WHO ARE CHARGED WITH AN OFFENSE THAT, IF  
10 COMMITTED BY AN ADULT, WOULD BE A CRIMINAL OFFENSE.

11 (b) ADJUDICATED DELINQUENTS. FOR THE PURPOSES OF THIS SUBDIVISION,  
12 "ADJUDICATED DELINQUENTS" MEANS PERSONS WHO HAVE BEEN FOUND TO HAVE COMMITTED  
13 AN OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD BE A CRIMINAL OFFENSE.

14 (c) ACCUSED STATUS OFFENDERS. FOR THE PURPOSES OF THIS SUBDIVISION,  
15 "ACCUSED STATUS OFFENDERS" MEANS PERSONS WHO ARE CHARGED WITH AN OFFENSE THAT  
16 WOULD NOT BE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT.

17 (d) ADJUDICATED STATUS OFFENDERS. FOR THE PURPOSES OF THIS  
18 SUBDIVISION, "ADJUDICATED STATUS OFFENDERS" MEANS PERSONS WHO HAVE BEEN FOUND  
19 TO HAVE COMMITTED AN OFFENSE THAT WOULD NOT BE A CRIMINAL OFFENSE IF  
20 COMMITTED BY AN ADULT.

21 (e) NONOFFENDERS. FOR THE PURPOSES OF THIS SUBDIVISION, "NONOFFENDERS"  
22 MEANS PERSONS WHO ARE IN NEED OF SUPERVISION AND WHO HAVE NOT BEEN ACCUSED  
23 OR ADJUDICATED AS STATUS OFFENDERS OR DELINQUENTS.

24 9. "NONCOMPACTING STATE" MEANS ANY STATE THAT HAS NOT ENACTED THE  
25 ENABLING LEGISLATION FOR THIS COMPACT.

26 10. "PROBATION OR PAROLE" MEANS ANY KIND OF SUPERVISION OR CONDITIONAL  
27 RELEASE OF JUVENILES THAT IS AUTHORIZED UNDER THE LAWS OF THE COMPACTING  
28 STATES.

29 11. "RULES" MEANS ANY WRITTEN STATEMENT BY THE INTERSTATE COMMISSION  
30 THAT IS ADOPTED PURSUANT TO ARTICLE VI OF THIS COMPACT, THAT IS OF GENERAL  
31 APPLICABILITY AND THAT IMPLEMENTS, INTERPRETS OR PRESCRIBES A POLICY OR  
32 PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL OR PRACTICE  
33 REQUIREMENT OF THE COMMISSION, AND THAT HAS THE FORCE AND EFFECT OF STATUTORY  
34 LAW IN A COMPACTING STATE AND INCLUDES THE AMENDMENT, REPEAL OR SUSPENSION  
35 OF AN EXISTING RULE.

36 12. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF  
37 COLUMBIA OR ITS DESIGNEE, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES  
38 VIRGIN ISLANDS, GUAM, AMERICAN SAMOA AND THE NORTHERN MARIANAS ISLANDS.

39 ARTICLE III

40 INTERSTATE COMMISSION FOR JUVENILES

41 A. THE COMPACTING STATES HEREBY CREATE THE "INTERSTATE COMMISSION FOR  
42 JUVENILES". THE INTERSTATE COMMISSION SHALL BE A BODY CORPORATE AND JOINT  
43 AGENCY OF THE COMPACTING STATES. THE INTERSTATE COMMISSION SHALL HAVE ALL  
44 THE RESPONSIBILITIES, POWERS AND DUTIES SET FORTH HEREIN AND SUCH ADDITIONAL  
45 POWERS AS MAY BE CONFERRED UPON IT BY SUBSEQUENT ACTION OF THE RESPECTIVE

1 LEGISLATURES OF THE COMPACTING STATES IN ACCORDANCE WITH THE TERMS OF THIS  
2 COMPACT.

3 B. THE INTERSTATE COMMISSION SHALL CONSIST OF COMMISSIONERS WHO ARE  
4 APPOINTED BY THE APPROPRIATE APPOINTING AUTHORITY IN EACH STATE PURSUANT TO  
5 THE RULES AND REQUIREMENTS OF EACH COMPACTING STATE AND IN CONSULTATION WITH  
6 THE STATE COUNCIL FOR INTERSTATE JUVENILE SUPERVISION CREATED UNDER THIS  
7 COMPACT. THE COMMISSIONER SHALL BE THE COMPACT ADMINISTRATOR, DEPUTY COMPACT  
8 ADMINISTRATOR OR DESIGNEE FROM THAT STATE WHO SHALL SERVE ON THE INTERSTATE  
9 COMMISSION IN SUCH CAPACITY UNDER OR PURSUANT TO THE APPLICABLE LAW OF THE  
10 COMPACTING STATE.

11 C. IN ADDITION TO THE COMMISSIONERS WHO ARE THE VOTING REPRESENTATIVES  
12 OF EACH STATE, THE INTERSTATE COMMISSION SHALL INCLUDE INDIVIDUALS WHO ARE  
13 NOT COMMISSIONERS BUT WHO ARE MEMBERS OF INTERESTED ORGANIZATIONS. THE  
14 NONCOMMISSIONER MEMBERS MUST INCLUDE A MEMBER OF THE NATIONAL ORGANIZATIONS  
15 OF GOVERNORS, LEGISLATORS, STATE CHIEF JUSTICES, ATTORNEYS GENERAL,  
16 INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS, INTERSTATE COMPACT  
17 FOR THE PLACEMENT OF CHILDREN, JUVENILE JUSTICE AND JUVENILE CORRECTIONS  
18 OFFICIALS AND CRIME VICTIMS. ALL NONCOMMISSIONER MEMBERS OF THE INTERSTATE  
19 COMMISSION SHALL BE EX OFFICIO OR NONVOTING MEMBERS. THE INTERSTATE  
20 COMMISSION MAY PROVIDE IN ITS BYLAWS FOR SUCH ADDITIONAL EX OFFICIO OR  
21 NONVOTING MEMBERS, INCLUDING MEMBERS OF OTHER NATIONAL ORGANIZATIONS, IN SUCH  
22 NUMBERS AS IS DETERMINED BY THE COMMISSION.

23 D. EACH COMPACTING STATE REPRESENTED AT ANY MEETING OF THE INTERSTATE  
24 COMMISSION IS ENTITLED TO ONE VOTE. A MAJORITY OF THE COMPACTING STATES SHALL  
25 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM  
26 IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION.

27 E. THE INTERSTATE COMMISSION SHALL MEET AT LEAST ONCE EACH CALENDAR  
28 YEAR. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, UPON THE REQUEST OF  
29 A SIMPLE MAJORITY OF THE COMPACTING STATES, SHALL CALL ADDITIONAL MEETINGS.  
30 PUBLIC NOTICE SHALL BE GIVEN OF ALL MEETINGS, AND MEETINGS SHALL BE OPEN TO  
31 THE PUBLIC.

32 F. THE INTERSTATE COMMISSION SHALL ESTABLISH AN EXECUTIVE COMMITTEE  
33 WHICH SHALL INCLUDE COMMISSION OFFICERS, MEMBERS AND OTHERS AS SHALL BE  
34 DETERMINED BY THE BYLAWS. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO  
35 ACT ON BEHALF OF THE INTERSTATE COMMISSION DURING PERIODS WHEN THE INTERSTATE  
36 COMMISSION IS NOT IN SESSION, WITH THE EXCEPTION OF RULE MAKING OR AMENDMENT  
37 TO THE COMPACT, OR BOTH. THE EXECUTIVE COMMITTEE OVERSEES THE DAY-TO-DAY  
38 ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT MANAGED BY AN EXECUTIVE  
39 DIRECTOR AND INTERSTATE COMMISSION STAFF, ADMINISTERS ENFORCEMENT AND  
40 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS BYLAWS AND RULES AND  
41 PERFORMS OTHER DUTIES AS DIRECTED BY THE INTERSTATE COMMISSION OR SET FORTH  
42 IN THE BYLAWS.

43 G. EACH MEMBER OF THE INTERSTATE COMMISSION SHALL HAVE THE RIGHT AND  
44 POWER TO CAST A VOTE TO WHICH THAT COMPACTING STATE IS ENTITLED AND TO  
45 PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION. A

1 MEMBER SHALL VOTE IN PERSON AND SHALL NOT DELEGATE A VOTE TO ANOTHER  
2 COMPACTING STATE. HOWEVER, A COMMISSIONER, IN CONSULTATION WITH THE STATE  
3 COUNCIL, SHALL APPOINT ANOTHER AUTHORIZED REPRESENTATIVE, IN THE ABSENCE OF  
4 THE COMMISSIONER FROM THAT STATE, TO CAST A VOTE ON BEHALF OF THE COMPACTING  
5 STATE AT A SPECIFIED MEETING. THE BYLAWS MAY PROVIDE FOR MEMBERS'  
6 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF TELECOMMUNICATION  
7 OR ELECTRONIC COMMUNICATION.

8 H. THE INTERSTATE COMMISSION'S BYLAWS SHALL ESTABLISH CONDITIONS AND  
9 PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION  
10 AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING. THE  
11 INTERSTATE COMMISSION MAY EXEMPT FROM DISCLOSURE ANY INFORMATION OR OFFICIAL  
12 RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR  
13 PROPRIETARY INTERESTS.

14 I. PUBLIC NOTICE SHALL BE GIVEN OF ALL MEETINGS AND ALL MEETINGS SHALL  
15 BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS OTHERWISE  
16 PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION AND ANY OF ITS COMMITTEES  
17 MAY CLOSE A MEETING TO THE PUBLIC IF IT DETERMINES BY TWO-THIRDS VOTE THAT  
18 AN OPEN MEETING WOULD BE LIKELY TO:

19 1. RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL PERSONNEL  
20 PRACTICES AND PROCEDURES.

21 2. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY STATUTE.

22 3. DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION WHICH  
23 IS PRIVILEGED OR CONFIDENTIAL.

24 4. INVOLVE ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY  
25 PERSON.

26 5. DISCLOSE INFORMATION OF A PERSONAL NATURE IF DISCLOSURE WOULD  
27 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

28 6. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT  
29 PURPOSES.

30 7. DISCLOSE INFORMATION CONTAINED IN OR RELATED TO EXAMINATION,  
31 OPERATING OR CONDITION REPORTS PREPARED BY, OR ON BEHALF OF OR FOR THE USE  
32 OF, THE INTERSTATE COMMISSION WITH RESPECT TO A REGULATED PERSON OR ENTITY  
33 FOR THE PURPOSE OF REGULATION OR SUPERVISION OF SUCH PERSON OR ENTITY.

34 8. DISCLOSE INFORMATION, THE PREMATURE DISCLOSURE OF WHICH WOULD  
35 SIGNIFICANTLY ENDANGER THE LIFE OF A PERSON OR THE STABILITY OF A REGULATED  
36 PERSON OR ENTITY.

37 9. SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S ISSUANCE OF A  
38 SUBPOENA OR ITS PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL PROCEEDING.

39 J. FOR EVERY MEETING CLOSED PURSUANT TO THIS ARTICLE, THE INTERSTATE  
40 COMMISSION'S LEGAL COUNSEL SHALL PUBLICLY CERTIFY THAT, IN THE LEGAL  
41 COUNSEL'S OPINION, THE MEETING MAY BE CLOSED TO THE PUBLIC AND SHALL  
42 REFERENCE EACH RELEVANT EXEMPTIVE PROVISION. THE INTERSTATE COMMISSION SHALL  
43 KEEP MINUTES WHICH SHALL FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN  
44 ANY MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ANY ACTIONS  
45 TAKEN, AND THE REASONS THEREFOR, INCLUDING A DESCRIPTION OF EACH OF THE VIEWS

1 EXPRESSED ON ANY ITEM AND THE RECORD OF ANY ROLL CALL VOTE REFLECTED IN THE  
2 VOTE OF EACH MEMBER ON THE QUESTION. ALL DOCUMENTS CONSIDERED IN CONNECTION  
3 WITH ANY ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.

4 K. THE INTERSTATE COMMISSION SHALL COLLECT STANDARDIZED DATA  
5 CONCERNING THE INTERSTATE MOVEMENT OF JUVENILES AS DIRECTED THROUGH ITS  
6 RULES. THE RULES SHALL SPECIFY THE DATA TO BE COLLECTED, THE MEANS OF  
7 COLLECTION AND DATA EXCHANGE AND REPORTING REQUIREMENTS. SUCH METHODS OF DATA  
8 COLLECTION, EXCHANGE AND REPORTING SHALL INsofar AS IS REASONABLY POSSIBLE  
9 CONFORM TO UP-TO-DATE TECHNOLOGY AND COORDINATE THEIR INFORMATION FUNCTIONS  
10 WITH THE APPROPRIATE REPOSITORY OF RECORDS.

11 ARTICLE IV

12 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

13 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

14 1. TO PROVIDE FOR DISPUTE RESOLUTION AMONG COMPACTING STATES.

15 2. TO PROMULGATE RULES TO EFFECT THE PURPOSES AND OBLIGATIONS AS  
16 ENUMERATED IN THIS COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT OF  
17 STATUTORY LAW AND SHALL BE BINDING IN THE COMPACTING STATES TO THE EXTENT AND  
18 IN THE MANNER PROVIDED IN THIS COMPACT.

19 3. TO OVERSEE, SUPERVISE AND COORDINATE THE INTERSTATE MOVEMENT OF  
20 JUVENILES SUBJECT TO THE TERMS OF THIS COMPACT AND ANY BYLAWS ADOPTED AND  
21 RULES PROMULGATED BY THE INTERSTATE COMMISSION.

22 4. TO ENFORCE COMPLIANCE WITH COMPACT PROVISIONS, INTERSTATE  
23 COMMISSION RULES AND BYLAWS, USING ALL NECESSARY AND PROPER MEANS, INCLUDING,  
24 BUT NOT LIMITED TO, THE USE OF JUDICIAL PROCESS.

25 5. TO ESTABLISH AND MAINTAIN OFFICES WHICH SHALL BE LOCATED WITHIN ONE  
26 OR MORE OF THE COMPACTING STATES.

27 6. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

28 7. TO BORROW, ACCEPT, HIRE OR CONTRACT FOR SERVICES OF PERSONNEL.

29 8. TO ESTABLISH AND APPOINT COMMITTEES AND HIRE STAFF WHICH IT DEEMS  
30 NECESSARY FOR THE CARRYING OUT OF ITS FUNCTIONS INCLUDING, BUT NOT LIMITED  
31 TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE III WHICH SHALL HAVE THE  
32 POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION IN CARRYING OUT ITS  
33 POWERS AND DUTIES HEREUNDER.

34 9. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES, AGENTS OR  
35 CONSULTANTS, TO FIX THEIR COMPENSATION, DEFINE THEIR DUTIES AND DETERMINE  
36 THEIR QUALIFICATIONS AND TO ESTABLISH THE INTERSTATE COMMISSION'S PERSONNEL  
37 POLICIES AND PROGRAMS RELATING TO, AMONG OTHER THINGS, CONFLICTS OF INTEREST,  
38 RATES OF COMPENSATION AND QUALIFICATIONS OF PERSONNEL.

39 10. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY, EQUIPMENT,  
40 SUPPLIES, MATERIALS AND SERVICES AND TO RECEIVE, UTILIZE AND DISPOSE OF THEM.

41 11. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR  
42 OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL OR  
43 MIXED.

44 12. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR  
45 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES AND LEVY DUES AS PROVIDED IN ARTICLE VIII OF THIS COMPACT.

14. TO SUE AND BE SUED.

15. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION OF THE INTERSTATE COMMISSION.

16. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT.

17. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, JUDICIARY AND STATE COUNCILS OF THE COMPACTING STATES CONCERNING THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION.

18. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING THE INTERSTATE MOVEMENT OF JUVENILES FOR OFFICIALS INVOLVED IN SUCH ACTIVITY.

19. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING, COLLECTING AND EXCHANGING OF DATA.

20. TO MAINTAIN ITS CORPORATE BOOKS AND RECORDS IN ACCORDANCE WITH THE BYLAWS.

## ARTICLE V

## ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE MEMBERS, WITHIN TWELVE MONTHS OF THE FIRST INTERSTATE COMMISSION MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT, INCLUDING, BUT NOT LIMITED TO:

## 1. ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE COMMISSION.

2. ESTABLISHING AN EXECUTIVE COMMITTEE AND SUCH OTHER COMMITTEES AS MAY BE NECESSARY.

3. PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR FUNCTION OF THE INTERSTATE COMMISSION.

4. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION AND ENSURING REASONABLE NOTICE OF EACH SUCH MEETING.

5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS OF THE INTERSTATE COMMISSION.

6. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF THE INTERSTATE COMMISSION AND THE EQUITABLE RETURN OF ANY SURPLUS FUNDS THAT MAY EXIST UPON THE TERMINATION OF THE COMPACT AFTER THE PAYMENT OR RESERVING, OR BOTH, OF ALL OF ITS DEBTS AND OBLIGATIONS.

7. PROVIDING START-UP RULES FOR INITIAL ADMINISTRATION OF THE COMPACT.

8. ESTABLISHING STANDARDS AND PROCEDURES FOR COMPLIANCE AND TECHNICAL ASSISTANCE IN CARRYING OUT THE COMPACT.

B. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE MEMBERS, ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND A VICE-CHAIRPERSON, EACH OF WHOM SHALL HAVE SUCH AUTHORITIES AND DUTIES AS MAY BE SPECIFIED IN THE



1 BYLAWS. THE CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE  
2 VICE-CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE COMMISSION.  
3 THE OFFICERS SO ELECTED SHALL SERVE WITHOUT COMPENSATION OR REMUNERATION FROM  
4 THE INTERSTATE COMMISSION, EXCEPT THAT, SUBJECT TO THE AVAILABILITY OF  
5 BUDGETED FUNDS, THE OFFICERS SHALL BE REIMBURSED FOR ANY ACTUAL AND NECESSARY  
6 COSTS AND EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES AND  
7 RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION.

8 C. THE INTERSTATE COMMISSION SHALL, THROUGH ITS EXECUTIVE COMMITTEE,  
9 APPOINT OR RETAIN AN EXECUTIVE DIRECTOR FOR SUCH PERIOD, UPON SUCH TERMS AND  
10 CONDITIONS AND FOR SUCH COMPENSATION AS THE INTERSTATE COMMISSION MAY DEEM  
11 APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL SERVE AS SECRETARY TO THE  
12 INTERSTATE COMMISSION, SHALL NOT BE A MEMBER AND SHALL HIRE AND SUPERVISE  
13 SUCH OTHER STAFF AS MAY BE AUTHORIZED BY THE INTERSTATE COMMISSION.

14 D. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND EMPLOYEES SHALL  
15 BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL  
16 CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY  
17 OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,  
18 ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION  
19 EMPLOYMENT, DUTIES OR RESPONSIBILITIES, EXCEPT THAT ANY SUCH PERSON SHALL NOT  
20 BE PROTECTED FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY  
21 CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF ANY SUCH  
22 PERSON.

23 E. THE LIABILITY OF ANY COMMISSIONER, OR THE EMPLOYEE OR AGENT OF A  
24 COMMISSIONER, ACTING WITHIN THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR DUTIES  
25 FOR ACTS, ERRORS OR OMISSIONS OCCURRING WITHIN SUCH PERSON'S STATE MAY NOT  
26 EXCEED THE LIMITS OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF  
27 THAT STATE FOR STATE OFFICIALS, EMPLOYEES AND AGENTS. NOTHING IN THIS  
28 SUBSECTION SHALL BE CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR  
29 LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL  
30 OR WILLFUL AND WANTON MISCONDUCT OF ANY SUCH PERSON.

31 F. THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR OR  
32 THE EMPLOYEES OR REPRESENTATIVES OF THE INTERSTATE COMMISSION AND, SUBJECT  
33 TO THE APPROVAL OF THE ATTORNEY GENERAL OF THE STATE REPRESENTED BY ANY  
34 COMMISSIONER OF A COMPACTING STATE, SHALL DEFEND SUCH COMMISSIONER OR THE  
35 COMMISSIONER'S REPRESENTATIVES OR EMPLOYEES IN ANY CIVIL ACTION SEEKING TO  
36 IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION  
37 THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES  
38 OR RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR  
39 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,  
40 DUTIES OR RESPONSIBILITIES, IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION  
41 DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART  
42 OF SUCH PERSON.

43 G. THE INTERSTATE COMMISSION SHALL INDEMNIFY AND HOLD THE COMMISSIONER  
44 OF A COMPACTING STATE, THE COMMISSIONER'S REPRESENTATIVES OR EMPLOYEES OR THE  
45 INTERSTATE COMMISSION'S REPRESENTATIVES OR EMPLOYEES HARMLESS IN THE AMOUNT

1 OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST SUCH PERSONS ARISING OUT OF  
2 ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE  
3 OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR THAT SUCH  
4 PERSONS HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF  
5 INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, IF THE ACTUAL  
6 OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL  
7 AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.

8 ARTICLE VI

9 RULE MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

10 A. THE INTERSTATE COMMISSION SHALL PROMULGATE AND PUBLISH RULES IN  
11 ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT.

12 B. RULE MAKING SHALL OCCUR PURSUANT TO THE CRITERIA SET FORTH IN THIS  
13 ARTICLE AND THE BYLAWS AND RULES ADOPTED PURSUANT THERETO. SUCH RULE MAKING  
14 SHALL SUBSTANTIALLY CONFORM TO THE PRINCIPLES OF THE "MODEL STATE  
15 ADMINISTRATIVE PROCEDURES ACT," 1981 ACT, UNIFORM LAWS ANNOTATED, VOL. 15,  
16 P. 1 (2000), OR SUCH OTHER ADMINISTRATIVE PROCEDURES ACT, AS THE INTERSTATE  
17 COMMISSION DEEMS APPROPRIATE CONSISTENT WITH DUE PROCESS REQUIREMENTS UNDER  
18 THE UNITED STATES CONSTITUTION AS NOW OR HEREAFTER INTERPRETED BY THE UNITED  
19 STATES SUPREME COURT. ALL RULES AND AMENDMENTS SHALL BECOME BINDING AS OF  
20 THE DATE SPECIFIED IN EACH RULE OR AMENDMENT, AS PUBLISHED WITH THE FINAL  
21 VERSION OF THE RULE AS APPROVED BY THE INTERSTATE COMMISSION.

22 C. WHEN PROMULGATING A RULE, THE INTERSTATE COMMISSION, AT A MINIMUM,  
23 SHALL:

24 1. PUBLISH THE PROPOSED RULE'S ENTIRE TEXT STATING THE REASON FOR THE  
25 PROPOSED RULE.

26 2. ALLOW AND INVITE PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS  
27 AND ARGUMENTS. THIS INFORMATION SHALL BE ADDED TO THE RECORD AND MADE  
28 PUBLICLY AVAILABLE.

29 3. PROVIDE AN OPPORTUNITY FOR AN INFORMAL HEARING IF PETITIONED BY TEN  
30 OR MORE PERSONS.

31 4. PROMULGATE A FINAL RULE AND ITS EFFECTIVE DATE, IF APPROPRIATE,  
32 BASED ON INPUT FROM STATE OR LOCAL OFFICIALS OR INTERESTED PARTIES.

33 D. NOT LATER THAN SIXTY DAYS AFTER A RULE IS PROMULGATED, ANY  
34 INTERESTED PERSON MAY FILE A PETITION IN THE UNITED STATES DISTRICT COURT FOR  
35 THE DISTRICT OF COLUMBIA OR IN THE FEDERAL DISTRICT COURT WHERE THE  
36 INTERSTATE COMMISSION'S PRINCIPAL OFFICE IS LOCATED FOR JUDICIAL REVIEW OF  
37 SUCH RULE. IF THE COURT FINDS THAT THE INTERSTATE COMMISSION'S ACTION IS NOT  
38 SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RULE MAKING RECORD, THE COURT SHALL  
39 HOLD THE RULE UNLAWFUL AND SET IT ASIDE.

40 E. IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES REJECTS  
41 A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO  
42 ADOPT THE COMPACT, THE RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY  
43 COMPACTING STATE.

44 F. THE EXISTING RULES GOVERNING THE OPERATION OF THE INTERSTATE  
45 COMPACT ON JUVENILES SUPERSEDED BY THIS ACT SHALL BE NULL AND VOID TWELVE

1 MONTHS AFTER THE FIRST MEETING OF THE INTERSTATE COMMISSION CREATED  
2 HEREUNDER.

3 G. UPON DETERMINATION BY THE INTERSTATE COMMISSION THAT AN EMERGENCY  
4 EXISTS, IT MAY PROMULGATE AN EMERGENCY RULE WHICH SHALL BECOME EFFECTIVE  
5 IMMEDIATELY UPON ADOPTION, EXCEPT THAT THE USUAL RULE MAKING PROCEDURES  
6 PROVIDED HEREUNDER SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON AS  
7 REASONABLY POSSIBLE, BUT NO LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE  
8 OF THE EMERGENCY RULE.

9 ARTICLE VII

10 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

11 BY THE INTERSTATE COMMISSION

12 A. THE INTERSTATE COMMISSION SHALL OVERSEE THE ADMINISTRATION AND  
13 OPERATIONS OF THE INTERSTATE MOVEMENT OF JUVENILES SUBJECT TO THIS COMPACT  
14 IN THE COMPACTING STATES AND SHALL MONITOR SUCH ACTIVITIES BEING ADMINISTERED  
15 IN NONCOMPACTING STATES WHICH MAY SIGNIFICANTLY AFFECT COMPACTING STATES.

16 B. THE COURTS AND EXECUTIVE AGENCIES IN EACH COMPACTING STATE SHALL  
17 ENFORCE THIS COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO  
18 EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT  
19 AND THE RULES PROMULGATED HEREUNDER SHALL BE RECEIVED BY ALL THE JUDGES,  
20 PUBLIC OFFICERS, COMMISSIONS AND DEPARTMENTS OF THE STATE GOVERNMENT AS  
21 EVIDENCE OF THE AUTHORIZED STATUTE AND ADMINISTRATIVE RULES. ALL COURTS  
22 SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES. IN ANY JUDICIAL OR  
23 ADMINISTRATIVE PROCEEDING IN A COMPACTING STATE PERTAINING TO THE SUBJECT  
24 MATTER OF THIS COMPACT WHICH MAY AFFECT THE POWERS, RESPONSIBILITIES OR  
25 ACTIONS OF THE INTERSTATE COMMISSION, THE INTERSTATE COMMISSION SHALL BE  
26 ENTITLED TO RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING AND SHALL  
27 HAVE STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES.

28 C. THE COMPACTING STATES SHALL REPORT TO THE INTERSTATE COMMISSION ON  
29 ISSUES OR ACTIVITIES NECESSARY FOR THE ADMINISTRATION OF THE COMPACT AS WELL  
30 AS ISSUES AND ACTIVITIES PERTAINING TO COMPLIANCE WITH THE PROVISIONS OF THE  
31 COMPACT AND ITS BYLAWS AND RULES.

32 D. ON THE REQUEST OF A COMPACTING STATE, THE INTERSTATE COMMISSION  
33 SHALL ATTEMPT TO RESOLVE ANY DISPUTES OR OTHER ISSUES WHICH ARE SUBJECT TO  
34 THE COMPACT AND WHICH MAY ARISE AMONG COMPACTING STATES AND BETWEEN  
35 COMPACTING AND NONCOMPACTING STATES. THE INTERSTATE COMMISSION SHALL  
36 PROMULGATE A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION  
37 FOR DISPUTES AMONG THE COMPACTING STATES.

38 E. THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS  
39 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT USING ANY  
40 OR ALL MEANS SET FORTH IN ARTICLE XI OF THIS COMPACT.

41 ARTICLE VIII

42 FINANCE

43 A. THE INTERSTATE COMMISSION SHALL PAY OR PROVIDE FOR THE PAYMENT OF  
44 THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING  
45 ACTIVITIES.

1           B. THE INTERSTATE COMMISSION SHALL LEVY ON AND COLLECT AN ANNUAL  
2 ASSESSMENT FROM EACH COMPACTING STATE TO COVER THE COST OF THE INTERNAL  
3 OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF WHICH  
4 MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE COMMISSION'S  
5 ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT  
6 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE INTERSTATE  
7 COMMISSION, TAKING INTO CONSIDERATION THE POPULATION OF EACH COMPACTING STATE  
8 AND THE VOLUME OF INTERSTATE MOVEMENT OF OFFENDERS IN EACH COMPACTING STATE  
9 AND SHALL PROMULGATE A RULE BINDING UPON ALL COMPACTING STATES WHICH GOVERNS  
10 THE ASSESSMENT.

11           C. THE INTERSTATE COMMISSION SHALL NOT INCUR ANY OBLIGATIONS OF ANY  
12 KIND BEFORE SECURING THE FUNDS ADEQUATE TO MEET THE SAME. NOR SHALL THE  
13 INTERSTATE COMMISSION PLEDGE THE CREDIT OF ANY OF THE COMPACTING STATES,  
14 EXCEPT BY AND WITH THE AUTHORITY OF THE COMPACTING STATE.

15           D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
16 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE INTERSTATE  
17 COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES  
18 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF  
19 FUNDS HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY BY A  
20 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE  
21 INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE INTERSTATE  
22 COMMISSION.

#### 23                           ARTICLE IX

##### 24                           THE STATE COUNCIL

25           A. EACH MEMBER STATE SHALL CREATE A STATE COUNCIL FOR INTERSTATE  
26 JUVENILE SUPERVISION. WHILE EACH STATE MAY DETERMINE THE MEMBERSHIP OF ITS  
27 OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT LEAST ONE REPRESENTATIVE  
28 FROM THE LEGISLATIVE, JUDICIAL AND EXECUTIVE BRANCHES OF GOVERNMENT, VICTIMS  
29 GROUPS AND THE COMPACT ADMINISTRATOR, DEPUTY COMPACT ADMINISTRATOR OR  
30 DESIGNEE. EACH COMPACTING STATE RETAINS THE RIGHT TO DETERMINE THE  
31 QUALIFICATIONS OF THE COMPACT ADMINISTRATOR OR DEPUTY ADMINISTRATOR.

32           B. EACH STATE COUNCIL SHALL EXERCISE OVERSIGHT AND ADVOCACY CONCERNING  
33 THAT STATE'S PARTICIPATION IN INTERSTATE COMMISSION ACTIVITIES AND OTHER  
34 DUTIES AS DETERMINED BY THAT STATE, INCLUDING, BUT NOT LIMITED TO, THE  
35 DEVELOPMENT OF POLICY CONCERNING OPERATIONS AND PROCEDURES OF THE COMPACT  
36 WITHIN THAT STATE.

#### 37                           ARTICLE X

##### 38                           COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

39           A. ANY STATE, THE DISTRICT OF COLUMBIA OR ITS DESIGNEE, THE  
40 COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AMERICAN  
41 SAMOA AND THE NORTHERN MARIANAS ISLANDS AS DEFINED IN ARTICLE II OF THIS  
42 COMPACT ARE ELIGIBLE TO BECOME COMPACTING STATES.

43           B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON LEGISLATIVE  
44 ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN THIRTY-FIVE OF THE STATES.  
45 THE INITIAL EFFECTIVE DATE SHALL BE THE LATER OF JULY 1, 2004, OR UPON

1 ENACTMENT INTO LAW BY THE THIRTY-FIFTH JURISDICTION. THEREAFTER IT SHALL  
2 BECOME EFFECTIVE AND BINDING, AS TO ANY OTHER COMPACTING STATE, UPON  
3 ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE. THE GOVERNORS OF NONMEMBER  
4 STATES OR THEIR DESIGNEES WILL BE INVITED TO PARTICIPATE IN INTERSTATE  
5 COMMISSION ACTIVITIES ON A NONVOTING BASIS BEFORE ADOPTION OF THE COMPACT BY  
6 ALL STATES AND TERRITORIES OF THE UNITED STATES.

7 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR  
8 ENACTMENT BY THE COMPACTING STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND  
9 BINDING UPON THE INTERSTATE COMMISSION AND THE COMPACTING STATES UNLESS AND  
10 UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE COMPACTING STATES.

11 ARTICLE XI

12 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

13 A. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN  
14 BINDING UPON EACH AND EVERY COMPACTING STATE, EXCEPT THAT A COMPACTING STATE  
15 MAY WITHDRAW FROM THE COMPACT BY ENACTING A STATUTE SPECIFICALLY REPEALING  
16 THE STATUTE WHICH ENACTED THE COMPACT INTO LAW. THE EFFECTIVE DATE OF  
17 WITHDRAWAL IS THE EFFECTIVE DATE OF THE REPEAL.

18 B. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF  
19 THE INTERSTATE COMMISSION IN WRITING UPON THE INTRODUCTION OF LEGISLATION  
20 REPEALING THIS COMPACT IN THE WITHDRAWING STATE. THE INTERSTATE COMMISSION  
21 SHALL NOTIFY THE OTHER COMPACTING STATES OF THE WITHDRAWING STATE'S INTENT  
22 TO WITHDRAW WITHIN SIXTY DAYS OF ITS RECEIPT THEREOF.

23 C. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS,  
24 OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF  
25 WITHDRAWAL, INCLUDING ANY OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND  
26 THE EFFECTIVE DATE OF WITHDRAWAL.

27 D. REINSTATEMENT FOLLOWING WITHDRAWAL OF ANY COMPACTING STATE SHALL  
28 OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT OR UPON SUCH LATER  
29 DATE AS DETERMINED BY THE INTERSTATE COMMISSION.

30 E. IF THE INTERSTATE COMMISSION DETERMINES THAT ANY COMPACTING STATE  
31 HAS AT ANY TIME DEFAULTED IN THE PERFORMANCE OF ANY OF ITS OBLIGATIONS OR  
32 RESPONSIBILITIES UNDER THIS COMPACT, THE BYLAWS OR ANY DULY PROMULGATED RULES  
33 THE INTERSTATE COMMISSION MAY IMPOSE ANY OR ALL OF THE FOLLOWING PENALTIES:

34 1. REMEDIAL TRAINING AND TECHNICAL ASSISTANCE AS DIRECTED BY THE  
35 INTERSTATE COMMISSION.

36 2. ALTERNATIVE DISPUTE RESOLUTION.

37 3. FINES, FEES AND COSTS IN SUCH AMOUNTS AS ARE DEEMED TO BE  
38 REASONABLE AS FIXED BY THE INTERSTATE COMMISSION.

39 4. SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE COMPACT. SUSPENSION  
40 SHALL BE IMPOSED ONLY AFTER ALL OTHER REASONABLE MEANS OF SECURING COMPLIANCE  
41 UNDER THE BYLAWS AND RULES HAVE BEEN EXHAUSTED AND THE INTERSTATE COMMISSION  
42 HAS THEREFORE DETERMINED THAT THE OFFENDING STATE IS IN DEFAULT. IMMEDIATE  
43 NOTICE OF SUSPENSION SHALL BE GIVEN BY THE INTERSTATE COMMISSION TO THE  
44 GOVERNOR, THE CHIEF JUSTICE OR CHIEF JUDICIAL OFFICER OF THE STATE, THE  
45 MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S LEGISLATURE AND THE

1 STATE COUNCIL. THE GROUNDS FOR DEFAULT INCLUDE, BUT ARE NOT LIMITED TO,  
2 FAILURE OF A COMPACTING STATE TO PERFORM SUCH OBLIGATIONS OR RESPONSIBILITIES  
3 IMPOSED UPON IT BY THIS COMPACT, THE BYLAWS OR DULY PROMULGATED RULES AND ANY  
4 OTHER GROUNDS DESIGNATED IN COMMISSION BYLAWS AND RULES. THE INTERSTATE  
5 COMMISSION SHALL IMMEDIATELY NOTIFY THE DEFAULTING STATE IN WRITING OF THE  
6 PENALTY IMPOSED BY THE INTERSTATE COMMISSION ON THE DEFAULTING STATE PENDING  
7 A CURE OF THE DEFAULT. THE INTERSTATE COMMISSION SHALL STIPULATE THE  
8 CONDITIONS AND THE TIME PERIOD WITHIN WHICH THE DEFAULTING STATE MUST CURE  
9 ITS DEFAULT. IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT WITHIN THE  
10 TIME PERIOD SPECIFIED BY THE INTERSTATE COMMISSION, THE DEFAULTING STATE  
11 SHALL BE TERMINATED FROM THE COMPACT UPON AN AFFIRMATIVE VOTE OF A MAJORITY  
12 OF THE COMPACTING STATES AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED  
13 BY THIS COMPACT SHALL BE TERMINATED FROM THE EFFECTIVE DATE OF TERMINATION.

14 F. WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF TERMINATION OF A  
15 DEFAULTING STATE, THE INTERSTATE COMMISSION SHALL NOTIFY THE GOVERNOR, THE  
16 CHIEF JUSTICE OR CHIEF JUDICIAL OFFICER, THE MAJORITY AND MINORITY LEADERS  
17 OF THE DEFAULTING STATE'S LEGISLATURE AND THE STATE COUNCIL OF SUCH  
18 TERMINATION.

19 G. THE DEFAULTING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS,  
20 OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF  
21 TERMINATION INCLUDING ANY OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS  
22 BEYOND THE EFFECTIVE DATE OF TERMINATION.

23 H. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO THE  
24 DEFAULTING STATE UNLESS OTHERWISE MUTUALLY AGREED UPON BETWEEN THE INTERSTATE  
25 COMMISSION AND THE DEFAULTING STATE.

26 I. REINSTATEMENT FOLLOWING TERMINATION OF ANY COMPACTING STATE  
27 REQUIRES BOTH A REENACTMENT OF THE COMPACT BY THE DEFAULTING STATE AND THE  
28 APPROVAL OF THE INTERSTATE COMMISSION PURSUANT TO THE RULES.

29 J. THE INTERSTATE COMMISSION, BY MAJORITY VOTE OF THE MEMBERS, MAY  
30 INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
31 OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION, IN THE  
32 FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS OFFICES TO ENFORCE  
33 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS DULY PROMULGATED RULES AND  
34 BYLAWS, AGAINST ANY COMPACTING STATE IN DEFAULT. IN THE EVENT JUDICIAL  
35 ENFORCEMENT IS NECESSARY THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF  
36 SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

37 K. THE COMPACT DISSOLVES EFFECTIVE UPON THE DATE OF THE WITHDRAWAL OR  
38 DEFAULT OF THE COMPACTING STATE WHICH REDUCES MEMBERSHIP IN THE COMPACT TO  
39 ONE COMPACTING STATE. UPON THE DISSOLUTION OF THIS COMPACT, THE COMPACT  
40 BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE  
41 BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE WOUND UP AND ANY  
42 SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.

B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSES.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A COMPACTING STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

B. ALL COMPACTING STATES' LAWS OTHER THAN STATE CONSTITUTIONS AND OTHER INTERSTATE COMPACTS CONFLICTING WITH THIS COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

C. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE INTERSTATE COMMISSION, ARE BINDING ON THE COMPACTING STATES. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE COMPACTING STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

D. ON THE REQUEST OF A PARTY TO A CONFLICT OVER MEANING OR INTERPRETATION OF INTERSTATE COMMISSION ACTIONS, AND ON A MAJORITY VOTE OF THE COMPACTING STATES, THE INTERSTATE COMMISSION MAY ISSUE ADVISORY OPINIONS REGARDING SUCH MEANING OR INTERPRETATION.

E. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY COMPACTING STATE, THE OBLIGATIONS, DUTIES, POWERS OR JURISDICTION SOUGHT TO BE CONFERRED BY SUCH PROVISION UPON THE INTERSTATE COMMISSION SHALL BE INEFFECTIVE AND SUCH OBLIGATIONS, DUTIES, POWERS OR JURISDICTION SHALL REMAIN IN THE COMPACTING STATE AND SHALL BE EXERCISED BY THE AGENCY THEREOF TO WHICH SUCH OBLIGATIONS, DUTIES, POWERS OR JURISDICTION ARE DELEGATED BY LAW IN EFFECT AT THE TIME THIS COMPACT BECOMES EFFECTIVE.

8-368.01. Commission assessments

THE DEPARTMENT OF JUVENILE CORRECTIONS SHALL PAY THE ASSESSMENT THAT IS LEVIED EACH YEAR BY THE INTERSTATE COMMISSION FOR JUVENILES PURSUANT TO SECTION 8-368.

Sec. 2. Intent regarding interstate compact for juveniles

A. The interstate compact for juveniles prescribed in section 8-368, Arizona Revised Statutes, as added by this act, is enacted to supersede, when it takes effect pursuant to the terms of article X of the compact, the interstate compact on juveniles prescribed in section 8-362, Arizona Revised Statutes.

B. The state compact administrator shall notify in writing the governor, the president of the senate, the speaker of the house of representatives and the executive director of the legislative council when the compact takes effect pursuant to the terms of article X of the compact.

~~APPROVED BY THE GOVERNOR APRIL 30, 2003.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2003.~~

Passed the House March 12, 2003

Passed the Senate April 23, 2003

by the following vote: 57 Ayes,

by the following vote: 28 Ayes,

0 Nays, 3 Not Voting

1 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Alan Brunetti  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Chaimin Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2003

at 11:08 o'clock A. M.

Sandra Ramirez  
Secretary to the Governor

Approved this 30 day of

April, 2003

at 4:30 o'clock P. M.

J. R. McElroy  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2003

at 3:16 o'clock P. M.

Janice K. Brewer  
Secretary of State